

MASSACHUSETTS

# Workforce Investment Act

STEERING COMMITTEE

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**WIA Communication No. 01-12**

☒ **Policy**

☐ **Information**

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**To:** Chief Elected Officials  
Workforce Investment Board Chairs  
Workforce Investment Board Directors  
Title I Administrators  
Career Center Directors  
Title I Fiscal Officers  
DET Regional Directors  
DET Area Directors

**cc:** WIA State Partners

**From:** Jonathan Raymond, President  
Commonwealth Corporation

**Date:** March 23, 2001

**Subject:** WIA Title I and Welfare-to-Work MOU Modification Instructions

**Purpose:** To distribute modification guidelines for the local memoranda of understanding for WIA Title I and Welfare-to-Work programs. A separate policy for Trade Programs will be issued under separate cover.

**Policy:** LWIBs and CEOs must submit a Five Year Local Plan Modification on May 15, 2001 that includes any revisions to the MOU(s) negotiated with Local Partner(s) regarding programs for which Commonwealth Corporation is the funding agency.

**References:** Workforce Investment Act of 1998, Public Law 105-220  
Workforce Investment Act Final Rule (20 CFR 652 et al)  
WIA Communication No. 01-11: Local Plan Modification Instructions

**Inquiries:** Questions should be directed to Commonwealth Corporation Regional Field Consultants at (617) 727-8158.

**Filing:** Please file this in your notebook of previously issued WIA Communications as #01-12.

## **FY2002 Scope of Services Instructions for Local Partner MOU(s)**

The following questions were issued by the Commonwealth Corporation, in the FY2001 MOU instructions of CBWL Policy 00-13, dated April 13, 2000. Provide a new response if the LWIB and CEO have developed different or revised strategies for the program issues included in these questions. Provide an addendum or supplement to last year's response if there are any substantial changes in specific services and procedures within the overall program strategy. **No response is required for any question where there has been no major change.**

The revised Title I MOU(s) must be submitted by the LWIB with the Five-Year Local Plan Modification, due on May 15, 2001. The LWIB may submit the revised MOU in its entirety or only those sections and formats that have been changed. If there are no changes to the Welfare-to-Work MOU, this should be referenced in the Local Plan Modification, not re-submitted.

### **TITLE I YOUTH**

Attachment A lists the FY2001 planning questions that were answered by the LWIB in the Scope of Services section of the Memorandum of Understanding regarding the delivery of Title I services for youth under the Workforce Investment Act. Revise or update as necessary.

### **TITLE I ADULTS and DISLOCATED WORKERS**

Attachment B lists the FY2001 planning questions that were answered by the LWIB in the Scope of Services section of the Memorandum of Understanding regarding the delivery of Title I services for adults and dislocated workers under WIA. Revise or update as necessary.

### **TITLE I ASSURANCES**

Attachment C includes the Title I Assurances to be included in the revised MOU(s).

### **WELFARE-to-WORK**

Attachment D lists the FY2001 planning questions, including Assurances, that were answered by the LWIB in the Scope of Services section of the Memorandum of Understanding for the delivery of WtW services in the One-Stop Career Center system. Revise or update as necessary.

### **TITLE I PROGRAM AND BUDGET SUMMARY AND PERFORMANCE GOALS**

The following questions and associated formats must be completed for FY2002.

1. Complete the attached form **Title I Program Summary**, indicating planning estimates for participation and outcome goals for Title I Adult, Dislocated Worker and Youth programs.
2. Complete the attached form **Title I Budget Summary**, indicating planned expenditures for Title I Adult, Dislocated Worker, Youth and Local Administration allocations.
3. Specify the LWIB goals for each of the FY2002 Title I core performance measures on the attached form **Title I Performance Goals**. (Please note that the FY2002 statewide levels for some measures reflect performance improvements negotiated by USDOL during their approval process of the Commonwealth's Five Year Unified Plan.) If the proposed local goals differ from the statewide level, describe the basis of the proposed adjustments consistent with the WIA Communication 00-23: WIA Core Performance Measures.

## FY2002 WIA TITLE I-B PROGRAM SUMMARY

**WORKFORCE INVESTMENT BOARD:** \_\_\_\_\_

ADULT PROGRAM	TOTAL		
1. Participants			
a. Carry-Overs from FY2001 (non-add)			
2. Program Exiters (2.a + 2.b)			
a. Enter Employment			
i. Average Hourly Wage			
b. Other Exit Reasons			
3. Carry-Out to FY2003 (1 – 2)			
4. Training Enrollments (Occupational & Basic Skills)			
5. Training Exiters Obtaining Credential			
DISLOCATED WORKER PROGRAM	TOTAL		
1. Participants			
a. Carry-Overs from FY2001 (non-add)			
2. Program Exiters (2.a + 2.b)			
a. Enter Employment			
i. Average Hourly Wage			
b. Other Exit Reasons			
3. Carry-Out to FY2003 (1 – 2)			
4. Training Enrollments (Occupational & Basic Skills)			
5. Training Exiters Obtaining Credential			
YOUTH PROGRAM	OLDER (Age 19-21)	YOUNGER (Age 14-18)	TOTAL
1. Participants			
a. Carry-Overs from FY2001 (non-add)			
b. Out-of-School Participants (non-add)			
2. Program Exiters (List by primary reason in 2.a - 2.d)			
a. Enter Employment			
i. Average Hourly Wage			
b. Enter Post-Secondary Education or Skills Training			
c. Attending High School at Exit			
d. Other Exit Reasons			
3. Carry-Out to FY2003 (1 – 2)			
4. Summer Employment Opportunities Enrollments			
5. Other Work Experience Opportunities Enrollments			
6. Occupational Skills Training Enrollments			
7. Educational Achievement Activities Enrollments			
8. Leadership Development Opportunities Enrollments			
9. Other Activities (Mentoring, Counseling, Guidance)			
10. Exiters Obtaining HS Diploma, GED or Credential			

## FY2002 WIA TITLE I-B BUDGET SUMMARY

**WORKFORCE INVESTMENT BOARD:** \_\_\_\_\_

<b>ADULT PROGRAM</b>	<b>FY2002</b>	<b>FY2001</b>	<b>FY2000</b>	<b>TOTAL</b>
1. Total Funds Available				
a. New Obligational Authority		NA	NA	
b. Carry-In Funds	NA			
c. Transfer from Dislocated Worker				
d. Transfer to Dis. Worker (20% max.)				
2. Total Expenditures through 06/30/02				
a. Training Expenditures				
3. Obligations as of 06/30/02		\$ 0	\$ 0	
4. Unobligated Carry-Out (20% limit)		\$ 0	\$ 0	
<b>DISLOCATED WORKER PROGRAM</b>	<b>FY2002</b>	<b>FY2001</b>	<b>FY2000</b>	<b>TOTAL</b>
1. Total Funds Available				
a. New Obligational Authority		NA	NA	
b. Carry-In Funds	NA			
c. Transfer from Adult Program				
d. Transfer to Adult Pgm (20% max.)				
2. Total Expenditures through 06/30/02				
a. Training Expenditures				
3. Obligations as of 06/30/02		\$ 0	\$ 0	
4. Unobligated Carry-Out (20% limit)		\$ 0	\$ 0	
<b>YOUTH PROGRAM</b>	<b>FY2002</b>	<b>FY2001</b>	<b>FY2000</b>	<b>TOTAL</b>
1. Total Funds Available				
a. New Obligational Authority		NA	NA	
b. Carry-In Funds	NA			
2. Total Expenditures through 06/30/02				
a. Out-of-School (30% minimum)				
b. Summer Employment Program				
3. Obligations as of 06/30/02		\$ 0	\$ 0	
4. Unobligated Carry-Out (20% limit)		\$ 0	\$ 0	
<b>LOCAL ADMINISTRATION</b>	<b>FY2002</b>	<b>FY2001</b>	<b>FY2000</b>	<b>TOTAL</b>
1. Total Funds Available				
a. New Obligational Authority		NA	NA	
b. Carry-In Funds	NA			
2. Total Expenditures through 06/30/02				
3. Obligations as of 06/30/02		\$ 0	\$ 0	
4. Unobligated Carry-Out (no limit)		\$ 0	\$ 0	

## FY2002 WIA TITLE I-B PERFORMANCE GOALS

**WORKFORCE INVESTMENT BOARD:** \_\_\_\_\_

<b>CORE PERFORMANCE MEASURES</b>	<b>FY2002 STATE LEVELS</b>	<b>FY2002 LOCAL GOALS</b>
<b>ADULT MEASURES</b>		
1. Entered Employment Rate	72%	
2. Employment Retention Rate	81%	
3. Earnings Gain (Post-Program - Pre-Program)	\$3,800	
4. Employment and Credential Rate	60%	
<b>DISLOCATED WORKER MEASURES</b>		
5. Entered Employment Rate	78%	
6. Employment Retention Rate	88%	
7. Earnings Replacement Rate (Post-Pgm / Pre-Pgm)	93%	
8. Employment and Credential Rate	60%	
<b>OLDER YOUTH (19-21) MEASURES</b>		
9. Entered Employment Rate	64%	
10. Employment Retention Rate	78%	
11. Earnings Gain (Post-Program - Pre-Program)	\$3,250	
12. Credential Rate	50%	
<b>YOUNGER YOUTH (14-18) MEASURES</b>		
13. Skill Attainment Rate	73%	
14. Diploma (or Equivalent) Attainment Rate	56%	
15. Employment or Education Retention Rate	55%	
<b>CUSTOMER SATISFACTION MEASURES</b>		
16. Average Participant Index Score	71	
17. Average Employer Index Score	71	
<b>ADJUSTMENTS TO LOCAL PERFORMANCE GOALS</b>		
LOCAL GOALS INCLUDE BASELINE ADJUSTMENTS (YES / NO)*		
LOCAL GOALS INCLUDE PROPOSED NEGOTIATIONS (YES / NO)*		
* Attach summary of factors used in standard baseline adjustments and/or proposed negotiations.		

**ATTACHMENT A**  
**(from CBWL Policy 00-13, April 13, 2000)**

**PLANNING QUESTIONS for TITLE I YOUTH ACTIVITIES**

**A. Youth Services**

1. Describe your service delivery design for each of the following youth activities:
  - eligibility determination – 20 CFR § 664.200;
  - objective assessment – WIA § 129(c)(1)(A); and
  - development of an individual service strategy – WIA § 129(c)(1)(B).
2. Describe your local service design and discuss how you will provide eligible youth with access to each of the ten program elements described in WIA § 129(c), including follow-up services.
3. Describe your strategy to serve youth that have significant barriers to employment. These include youth with substantial language or cultural barriers, who have been adjudicated as offenders, or are homeless.
4. How will your youth program and its activities be connected to the One Stop delivery system? Describe which services, if any, will be provided through the One-Stop Career Center.
5. Describe how your service delivery design will assure that Title I Youth Activities are provided not as a stand alone activity, but as part of an array of youth development services available in the local area including, for example, local education providers, health and human services providers, Job Corps, CBOs, foster care, and juvenile justice programs. In addition, please describe how you will use:
  - referrals and coordination with appropriate service, training and education programs that have the capacity to serve Title I youth either on a sequential or concurrent basis to Title I youth activities;
  - referrals and coordination with appropriate service, training and education programs that have the capacity to serve youth who are not eligible for, or otherwise cannot be served in, Title I youth activities.
6. Since stand-alone summer employment is no longer permissible under WIA, local areas must pay careful attention to how summer employment opportunities will be connected to year round services. With respect to your plans for summer activities, discuss:
  - your process for selecting service providers for summer employment;
  - how summer employment will be linked to academic and occupational learning;
  - how summer employment will be integrated into a comprehensive year-round strategy in which youth have access to all ten required WIA program elements;
  - how you will provide a minimum of twelve months follow-up services.

**B. Enrollment and Eligibility**

1. If the local board has adopted youth eligibility definitions or other youth eligibility policies beyond those found in the Title I Eligibility Policy, please describe those here.
2. Up to five percent of youth participants served by youth programs in a local area may be individuals who do not meet the income criteria for eligible youth, provided that they fall within one or more of the categories as described in WIA § 129(c)(5). Describe whether and how your local area will use this 5% window.
3. The Workforce Investment Act requires that at least thirty percent (30%) of Title I youth funds shall be used to provide activities to out-of-school youth. Describe your plan to meet this requirement.
4. The Workforce Investment Act provides that eligible individuals, ages 18 through 21, may participate in Title I adult and youth programs concurrently. Local program operators may determine, for individuals in this age group, the appropriate level and balance of youth and/or adult services. Please describe how you will provide for concurrent enrollment in youth and adult services; including how the concurrent funding streams will be tracked; and how you will ensure that services are not duplicated.

**C. Youth Service Providers**

1. Describe the competitive process and criteria to be used to award grants and contracts for services carried out under Title I youth.
2. Describe the process and criteria your Youth Council will use to identify effective and ineffective youth services and providers of such activities.
3. Describe your plan to provide continuous performance review and evaluation, technical assistance and monitoring to ensure that local programs comply with federal, state and local requirements for youth activities under WIA.

**ATTACHMENT B**  
**(from CBWL Policy 00-13, April 13, 2000)**

**PLANNING QUESTIONS for TITLE I ADULTS and DISLOCATED WORKERS**

**A. Core, Intensive and Training Services**

1. Employers and jobseekers age 18 years and older will have universal access to basic/core services of the OSCC. Please describe how Title I staff will be involved in the provision of basic/core services for individuals. List the basic/core services that will be provided and the level of Title I staff involvement in delivering the services.
2. Since resources are limited, universal access does not mean unlimited access to any and all services. Describe how resource allocations to core, intensive or training services -including the timing of their delivery- have been made consistent with the needs of customers and with the state's commitment to the quality of performance outcomes and not simply the quantity of services delivered.
3. What measures will be used to assure that universal access individuals who need or wish to pursue additional Title I services are identified and referred for Title I eligibility determination and registration?
4. Describe, if different from the basic/core services listed above, the additional Title I core services that will be provided to individuals who have been referred for Title I eligibility determination and registration. Please describe the additional core services and level of staff involvement in delivering the services.
5. Describe the procedures to identify the skill levels and service needs of adult and dislocated workers in order to access intensive services. Please describe the intensive services and level of staff involvement in delivering the services.
6. Describe the procedures to identify the skill levels and service needs of adult and dislocated workers in order to access training services. Describe methods for identifying skilled, labor-shortage occupations in growth industries and how Title I resources, in partnership with other programs, will increase the supply of trained workers.
7. Describe the criteria that you will use to determine whether funds allocated to the local area for adult intensive and training services are limited, and the process by which any priority for services will be applied. For additional guidance see the Title I Eligibility Policy issued by CBWL.
8. Describe how the services to be provided are appropriate to the demographics of the area labor force. Please describe strategies to serve special populations that may include displaced homemakers, low-income individuals, recipients of public assistance, older individuals, limited English speakers, applicants with basic skills deficiencies, veterans, etc.



## **B. Individual Training Accounts**

Provide a comprehensive description of the Individual Training Account (ITA) system in your workforce investment area, including the following:

1. Describe the criteria and process whereby a customer will be determined to be eligible to obtain an ITA for training services.
  - a) Clearly articulate the eligibility criteria.
  - b) Describe the role of the case manager in this process.
2. Describe the range of assessment services that will be available to enable customers to:
  - a) Determine that with their current set of skills they are unable to obtain or retain employment that leads to self-sufficiency.
  - b) Choose the appropriate program of training based upon their previous experience, educational skill levels, aptitudes, and interests and self-sufficiency needs.

In the responses to (a) and (b) above, reference particular tools and instruments that will be used during the assessment process. Describe career center staff capability and credentials to administer these tools and instruments.

3. Describe the process for assuring that customers have the information they need to make informed choices regarding training decisions. At a minimum:
  - a) Explain how informed customer choice will be maximized.
  - b) Detail the role of the case manager.
  - c) Describe labor market and occupational information resources available to customers.
  - d) Explain how the State List of Eligible Training Providers will be made available to customers and utilized.
4. Provide an overview description of the types of training services that will be provided through use of ITAs. Provide an explanation of how this determination was made.
5. How will the service content of an individual customer's ITA be determined?
6. Describe the local board's policy related to ITA limitations.
  - a) Will there be an ITA dollar value limitation per customer? If yes, what factors were considered in establishing the dollar value limitation?
  - b) Has the local board established ITA dollar value ranges? If yes, describe the ranges and explain the rationale for developing the scheme of ranges.
  - c) Has the local board established minimum and/or maximum levels for duration or intensity of training? If yes, what factors influenced the determination of these levels?
  - d) How will the dollar value of an individual customer's ITA be determined?
7. Describe procedures in place at the career center to ensure that customers access Pell Grants and other forms of grant assistance, including Trade, prior to the expenditure of WIA Title I funds for training.

8. Describe the method by which funds for training will be transferred to the provider on the customer's behalf. How does this methodology achieve administrative efficiency to ensure prompt customer access to training?
9. Describe the tuition refund policy.
10. Describe the coordination between the Title I adult and dislocated worker training activities and the Massachusetts unemployment insurance system to assist participants to attend training programs while receiving benefits, including Unemployment Insurance, Section 30, and Trade.

### **C. Support Services And Needs Related Payments**

1. Support services may be provided to adults and dislocated workers in core, intensive and training services. Will support services be provided? If yes, briefly describe the support services to be provided, and the circumstances under which they will be provided.
2. Needs related payments may be provided to adults and dislocated workers who are unemployed, who do not qualify for unemployment compensation, and who are enrolled in training services. Will needs related payments be provided? If yes, briefly describe the needs related payments to be provided, and the circumstances under which they will be provided.

### **D. Procurement and Individual Training Accounts**

1. Describe the competitive process to be used to award grants and contracts for activities carried out under Title I for adults and dislocated workers, including the Individual Training Account process. Please specify the means that will be used to contract with providers, such as vouchers.
2. It is the intention of the Commonwealth of Massachusetts that the majority of training services will be provided through the customer-driven, market-based ITA system. For exceptional circumstances, though, WIA has made provision for training services to be provided outside of the ITA system at WIA section 134 (d)(4)(G)(ii). The four types of exceptional circumstances are shown below. Does your area intend to provide training services within the exclusions to the ITA system listed below?
  - a) On-the-job Training? If yes, please describe.
  - b) Customized Training? If yes, please describe.
  - c) Group Contracts Exception? Programs may be procured by group contract if the local board has determined that there are an insufficient number of eligible providers of training services in the local area to accomplish the purpose of a system of individual training accounts. Do you intend to use this exception? If yes, please list the training program(s) and the provider(s).

- d) Special Populations Exception? Programs may be procured for a special population if the local board has determined that there is a training services program of demonstrated effectiveness offered in the local area by a community based organization or another private organization to serve special participant populations that face multiple barriers to employment. Do you intend to use this exception? If yes, please respond to the following:
- i Identify the “special population” to be served by this training program. Provide a description of the characteristics of and barriers to employment faced by this population.
  - ii List and describe the criteria used by the local workforce investment board to determine demonstrated effectiveness. Criteria may include, but are not limited to:
    - A. Financial stability of the organization
    - B. Measures appropriate to the program including program completion rate; attainment of skills, certificates or degrees the program is designed to provide; placement after training in unsubsidized employment, and retention in employment
    - C. The relevance of the specific program to the workforce investment needs of the local area

## **ATTACHMENT C**

### **TITLE I ASSURANCES**

#### **COMPLIANCE**

The Applicant must comply with the Workforce Investment Act of 1998 as Amended and its implementing Regulations found at 20 CFR Part 652, et al. The Applicant must comply with policies issued by Department of Labor and Workforce Development (DLWD) and the Commonwealth Corporation. The applicant must comply with other applicable Federal, State, County and local laws, statutes, and regulations.

#### **USE OF FUNDS & AUDIT REQUIREMENTS**

Funds shall subject to WIA fiscal and administrative requirements. All Applicants must comply with applicable Federal Cost Principles, Federal Audit Requirements, and Office of Management and Budget (OMB) Regulations and Circulars, as applicable.

#### **NONDISCRIMINATION EMPLOYMENT & EQUAL OPPORTUNITY**

As a condition to the award of financial assistance from the Department of Labor under Title I of WIA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws: Section 188 of the Workforce Investment Act of 1998 (WIA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I--financially assisted program or activity; Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin; Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities; The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs. The grant applicant also assures that it will comply with 29 CFR part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIA Title I--financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIA Title I--financially assisted program or activity. The grant applicant understands that the United States, Massachusetts, and the Commonwealth Corporation have the right to seek judicial enforcement of this assurance.

## **TITLE I ASSURANCES - continued**

### **NONPARTICIPATION IN SECTARIAN ACTIVITIES**

WIA Title I funds may not be spent on the employment or training of participants in sectarian activities. Participants must not be employed under Title I of WIA to carry out the construction, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place of religious worship. However, WIA funds may be used for the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship if the organization operating the facility is part of a program or activity providing services to WIA participants.

### **POLITICAL ACTIVITIES, LOBBYING PROHIBITION**

The Applicant may not use any WIA Title I funds and none of the services to be provided by the Applicant may be used for any partisan or non-partisan political activity or to further the election or defeat of any candidate for public office. The Applicant will comply, where applicable, with the provisions of the Hatch Act, which limit the political activity of certain State and local government employees, along with contractors, subcontractors and participants funded through the use of WIA funds. The Applicant shall comply with 29 CFR 93 regarding the restrictions on lobbying and the Certification and Disclosure requirements pursuant to Section 319 of Public Law 101-12.

### **CERTIFICATION REGARDING DEBARMENT**

The Applicant certifies, that neither it nor its principals

- (a) Are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (b) Have within the 3 year period preceding this Application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property.
- (c) Are presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State or local) with the commission of any of the offenses enumerated in paragraph (b) above.
- (d) Have within the 3 year period preceding this application had one or more public transactions (Federal, State or local) terminated for cause or default.

## **TITLE I ASSURANCES - continued**

### **HEALTH AND SAFETY**

Appropriate standards for health and safety in work and training situations will be maintained. All training and/or instruction provided to participants under the WIA program will take place in an environment where appropriate standards for health, safety and comfort are maintained. Participants in on-the-job training operated with WIA funds as defined in 20 CFR Part 663.700, are subject to the same health and safety standards established under State and Federal law which are applicable to similarly employed employees, of the same employer, who are not participants in programs under WIA. Facilities will be adequately heated and ventilated; with adequate toilet, rest and lunch areas; easy access to potable water; and separate and clearly delineated non-smoking areas.

### **NEPOTISM**

No Applicant will hire a person in an On-The-Job Training position, administrative capacity or consultant position funded under WIA or WTW if the individual or a member of his/her immediate family is employed in the administrative capacity of DOL, DLWD, the Applicant or the Commonwealth Corporation. The Applicant agrees to inform CBWL of any potential violation of the nepotism restriction.

### **UNIONIZATION AND ANTI-UNIONIZATION**

No WIA funds shall in any way be used to either promote or oppose unionization.

### **GRIEVANCE PROCEDURE POLICY**

Applicants must establish and maintain a procedure for grievances and complaints according to the requirements of 29 CFR 667.600.

### **30 DAY PUBLIC REVIEW AND COMMENT**

The Applicant agrees to comply with The Workforce Investment Act requirement found at Section 661.345 to provide at least a thirty (30) day period for comment, beginning on the date on which the proposed local plan is made available, prior to its submission to the Governor. Comments that express disagreement with the plan must be submitted with the plan.

### **RAPID RESPONSE MEMORANDUM OF AGREEMENT**

The Applicant agrees to coordinate local activities with the Statewide Rapid Response Unit in accordance with Rapid Response Policy to be issued by the Commonwealth Corporation and to enter into a Memorandum of Agreement with the Statewide Rapid Response Unit regarding Rapid Response Procedures in the local area.

## **TITLE I ASSURANCES - continued**

### **FINANCIAL RECORDKEEPING, COST PRINCIPLES AND COST ALLOCATION**

The Applicant agrees to maintain all financial records, and to develop and follow cost allocation procedures that are in compliance with GAAP, Federal Cost Principles, all applicable OMB Circulars, and policies to be issued in the future by the Commonwealth. These include, but are not limited to, the following OMB Circulars:

- A-21, Cost Principles for Educational Institutions (10/27/98)
- A-87, Cost Principles for State and Local Governments (5/4/95, amended 8/29/97)
- A-122, Cost Principles for Non-Profit Organizations (5/19/98)
- A-102, Grants and Cooperative Agreements with State and Local Governments (10/7/94, amended 8/29/97)
- A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (11/19/93, amended 9/30/99)
- A-133, Audits of States, Local Governments, and Non-Profit Organizations (6/24/97).

### **FUNDS OF LAST RESORT**

The Applicant shall take sufficient actions to assure that WIA programs will not be charged when other assistance is available. Applicant shall be responsible for ensuring the filing of applications for Pell Grant or Supplemental Education Opportunity Grant (SEOG) assistance or any other assistance available for each Participant enrolled in a Pell Grant or SEOG approved course. The Applicant shall reduce the amount due to the Applicant, or remit to the Career Center the portion of the Pell Grant to be applied to the cost of tuition, fees and books, if received after the termination of training. No compensation shall be earned or deemed payable for services provided to a WIA program participant to the extent that any such services are paid for, directly or indirectly, through a Pell Grant (or Supplemental Education Opportunity Grant (SEOG)) by Trade, or by any other source.

**ATTACHMENT D**  
**(from CBWL Policy 00-13, April 13, 2000)**

**PLANNING QUESTIONS for WELFARE –to- WORK**

WtW Planning Questions in this document pertain to the integration and coordination of WtW activities within the One-Stop Career Center service delivery system. The questions do not duplicate the program design and operational requirements addressed in the approved local WtW Plan, which has been approved and funded through September 23, 2002. The approved WtW Plan addresses local targeting strategies, activities to be conducted, project governance, and strategies to prevent duplication and to maximize utilization of services. (It is not necessary to attach a copy of the WIB's approved plan.)

1. Please describe how WtW services will be integrated or coordinated with the provision of basic/core services for individuals in the OSCCs. List the WtW basic/core services that will be provided through staff associated with the OSCCs.
2. What measures will be used to assure that TANF recipients and other individuals in WtW target groups who need or wish to pursue WtW services are identified and referred for WtW eligibility determination and registration?
3. Describe, if different from the basic/core services listed above, the additional WtW services that will be provided to WtW-eligible individuals in the OSCC. Please describe the additional core services and level of staff involvement in delivering the services.
4. Describe how services delivered at the OSCC will be coordinated with services to be delivered at other WtW program operators and vendors.



## **WELFARE –to- WORK ASSURANCES**

Pursuant to the requirement at Section 121 (c)(B) of the workforce Investment Act, this section delineates specific assurances with regard to the performance of workforce investment related activities provided in conjunction with the local Welfare-to-Work allocation. Many of the regulatory requirements are contained in the assurance section. These assurances will indicate an understanding on the parties of the intent to provide the services in accordance with programmatic requirements and regulations. Specifically, the LWIB:

1. Has sole authority, in coordination with CEOs, to expend formula funds (section 403 (a) (5) (A) (vii) (I) of the Act);
2. Has authority to determine the individuals to be served in the program (section 403 (a) (5) (A) (vii) (I) );
3. Has authority to determine the services provided in the program (section 403 (a) (5) (A) (vii) (I) );
4. Ensures that funds are expended on eligible recipients and on allowable activities, consistent with section 645.410 (a) (5) of this part;
5. Coordinates WtW fund expenditures with State TANF expenditures and other programs (section 403 (a) (5) (A) (ii) (dd));
6. Ensures that there is an assessment and an individual service strategy in place for each WtW participant, consistent with section 645.225 (a) and (b) of this part;
7. Conducts oversight and monitoring of subrecipients, consistent with the provisions at section 645.245 of this part;
8. Consults with and provides comments on private entity Competitive Grant Application(s) consistent with the provisions at section 645.500 (b) (1) (i) of this part;
9. Ensures the program will be conducted in accordance with the WtW legislation, regulatory provisions, future written guidance provided by the Department, and all other applicable Federal and State laws;
10. Will apply the TANF law and regulations to the operation of the WtW program, unless otherwise specified by the Department or defined in Section 403 (a) (5) or the applicable WtW regulations;
11. Will maintain and submit accurate and timely participant and financial records reports, as specified by the Commonwealth Corporation;
12. Will assure that the local one-stop system will collect data on customer characteristics, service/activity participation, and outcomes consistent with the requirements of the Massachusetts One Stop Employment System (MOSES) so as to ensure integrity of all federal and state reporting requirements;
13. Will comply with the uniform fiscal and administrative requirements of OMB Circular A-102 as codified for DOL at CFR Part 97;
14. Will follow the audit requirements of the Single Audit Act of 1984 and OMB Circular A-133;
15. Will follow the allowable cost/cost principles of OMB Circular A-87;
16. Ensures worker protection provisions and grievance process are observed, consistent with State guidelines (section 403 (a) (5) (J));
17. Will establish policies to enforce the provisions regarding nondisplacement in work activities under a program operated with funds provided under WtW (section 403 (a) (5) (J) (i));

18. Assures that the Health and Safety standards established under Federal and State law otherwise applicable to working conditions of employees shall be equally applicable to working conditions of other participants engaged in a work activity under a program operated with funds provided under WtW (section 403 (a) (5) (J) (ii);
19. Will enforce the provision that an individual may not be discriminated against by reason of gender with respect to participation in work activities under a program operated with funds under WtW (section 403 (a) (5) (J) (iii);
20. Shall establish and maintain procedures for grievances or complaints from participants and employees under the WtW program (section 403 (a) (5) (J) (iv);
21. Shall establish and enforce standards and procedures to ensure against fraud and abuse, including standards and procedures against nepotism, conflicts of interest among individuals responsible for the administration and supervision of the WtW program, kickbacks, and the use of political patronage;
22. Will comply with the nondiscrimination provisions of the laws enumerated at Section 408 (d) with respect to participation in work activities engaged in under the WtW program;
23. Will ensure that WtW funds will not be spent on the employment or training of participants in Sectarian activities;
24. Will comply, when applicable, with the provisions of the Hatch Act, which limits the political activity of certain State and local government employees, along with contractors, subcontractors and participants funded through the use of WtW funds;
25. Will comply with 29 CFR 93 regarding the restrictions on lobbying and the Certification and Disclosure requirements pursuant to Section 319 of Public Law 101-12;
26. Will comply with the procedures with the Certification Regarding Debarment;
27. Will ensure no WtW funds shall in any way be used to either promote or oppose unionization.